

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

CHRIS VOMASTEK, TRUSTEE	§	
TRIPLE-TIME TRUST, JAMES	§	
BAIRD, BENEFICIARY, BARBARA	§	
BAIRD, INSURED,	§	
	§	C.A. No. 5:15-cv-00050-JRG
Plaintiffs,	§	
	§	JUDGE GILSTRAP
v.	§	
AXA EQUITABLE LIFE INSURANCE	§	
COMPANY,	§	
	§	
Defendant.	§	

AGREED MOTION TO DISMISS WITH PREJUDICE

Plaintiffs Chris Vomastek, as Trustee of the Triple-Time Trust, James Baird, Barbara Baird (collectively, “Plaintiffs”), and Defendant AXA Equitable Life Insurance Company (“Defendant”) (collectively, the “Parties”) submit this Agreed Motion to Dismiss with Prejudice, and state:

All of the matters in controversy among the Parties have been settled. Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) the Parties stipulate that all claims and causes of action asserted between Plaintiffs and Defendant should be **DISMISSED WITH PREJUDICE** with costs and attorneys’ fees taxed against the party that incurred them. The Parties respectfully request the Court enter the Agreed Order of Dismissal with Prejudice submitted herewith.

Respectfully submitted,

By: /s/ Kelly B. Tidwell _____

Kelly B. Tidwell
Texas Bar No. 20020580
ktbt@texarkanalaaw.com

Geoffrey Patton Culbertson
Texas Bar No. 24045732
gpc@texarkanalaaw.com

PATTON, TIDWELL & CULBERTSON, LLP
2800 Texas Blvd.

Texarkana, Texas 75503
(903) 792-5859 – Telephone
(903) 792-8233 – Facsimile

ATTORNEYS FOR PLAINTIFFS, CHRIS
VOMASTEK, TRUSTEE, TRIPLE-TIME
TRUST, JAMES BAIRD, BENEFICIARY,
BARBARA BAIRD, INSURED

By: /s/ Amanda Sotak _____

Amanda Sotak
Texas Bar No. 24037530
amanda.sotak@figdav.com
Lead Attorney

Amber D. Reece
Texas Bar No. 24079892
amber.reece@figdav.com

FIGARI + DAVENPORT, LLP
901 Main Street, Suite 3400
Dallas, Texas 75202
(214) 939-2000 – Telephone
(214) 939-2090 – Facsimile

ATTORNEYS FOR DEFENDANT
AXA EQUITABLE LIFE
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's CM/ECF system and all others will be notified via certified mail, return receipt requested on March 31, 2016.

/s/ Amanda Sotak

Amanda Sotak